

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

FAST MEMORY ERASE, LLC)) CIVIL CASE NO. 3-08cv0977M
<i>Plaintiff,</i>))
vs.))
)) JURY TRIAL DEMANDED
SPANSION, INC., SPANSION LLC,))
INTEL CORPORATION,))
NUMONYX B.V.,))
NUMONYX, INC.,))
STMICROELECTRONICS NV,))
STMICROELECTRONICS, INC.,))
NOKIA CORPORATION,))
NOKIA INC.,))
SONY ERICSSON MOBILE))
COMMUNICATIONS AB,))
SONY ERICSSON MOBILE))
COMMUNICATIONS (USA), INC.,))
MOTOROLA, INC. and APPLE, INC.))
<i>Defendants.</i>))

JOINT SETTLEMENT STATUS REPORT

Pursuant to the Court's Order dated April, 9, 2009, requiring the parties to meet-and-confer and then file a report with the Court concerning the status of any settlement negotiations [Docket Entry #169], Plaintiff Fast Memory Erase, LLC ("FME") and Defendants Numonyx, B.V., Numonyx, Inc., Intel Corporation, Sony Ericsson Mobile Communications, AB, Sony Ericsson Mobile Communications (USA), Inc., and Apple Inc. (the "Defendants") have conferred regarding settlement negotiations and state the following:

1. Statement of Plaintiff FME:

FME and the Defendants have not held any formal settlement discussions in this case,

although there have been informal, preliminary discussions between counsel for the parties, including discussions following the November 5, 2009 discovery status conference before Magistrate Judge Kaplan. FME recently learned that, despite producing substantially all (subject to certain exceptions that are the subject of current discovery disputes) of the relevant *technical* information related to all of the products that FME sought discovery of, the Defendants are withholding substantial *financial* information from production related to some products; FME has moved to compel this financial information [Docket Entry # 314], and believes that it will be able to engage in more detailed settlement discussions following production of the additional financial information. FME also believes that it will be able to engage in further, substantive settlement discussions following the issuance of the Court's Claims Construction Order.

FME is amenable to alternative dispute resolution, and FME is amenable to jointly selecting a mediator with Defendants to assist with further settlement and license discussions between the parties.

2. **Statement of Defendants:**

The parties have not held any settlement discussions in this case. On two occasions counsel for Defendants raised the issue of case resolution with FME's counsel, but FME has taken the position that it cannot undertake settlement discussions until certain discovery issues are resolved by the Court. Specifically, FME is seeking the production of sales information on certain Intel products that are not accused of infringement in its Preliminary Infringement Contentions, and Defendants have objected to such discovery. FME has known Defendants' position on this issue since November 2008 but only recently moved to compel. Magistrate Judge Kaplan will hear the issue on Friday, January 29, 2009.

Defendants are amenable to alternative dispute resolution, and jointly selecting a mediator with FME to assist with settlement discussions between the parties.

Dated: January 25, 2010

Respectfully Submitted,

By: /s/ Patrick J. Conroy
Jeffrey R. Bragalone (TX Bar No. 2855775)
E-mail: jbragalone@shorechan.com
Patrick J. Conroy (TX Bar No. 24012448)
E-mail: pconroy@shorechan.com
Winston O. Huff (TX Bar No. 24068745)
E-mail: whuff@shorechan.com
SHORE CHAN BRAGALONE LLP
901 Main Street, Suite 3300
Dallas, Texas 75202
Telephone: 214.593.9110
Facsimile: 214.593.9111

Attorneys for Plaintiff
FAST MEMORY ERASE, LLC

Dated: January 25, 2010

By: /s/ Craig R. Kaufman (with permission)
Craig Weinlein (TX Bar No. 21095500)
E-mail: cweinlein@ccsb.com
CARRINGTON COLEMAN SLOMAN &
BLUMENTHAL
901 Main Street, Suite 5500
Dallas, Texas 75202
Telephone: 214.855.3000
Facsimile: 214.855.1333

Chris R. Ottenweller
(Admitted Pro Hac Vice)
E-mail: cottenweller@orrick.com
Craig R. Kaufman (Admitted Pro Hac Vice)
E-mail: ckaufman@orrick.com
Steven S. Baik (Admitted Pro Hac Vice)
E-mail: sbaik@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE
LLP
1000 Marsh Road

Menlo Park, California 94025-1015
Telephone: 650.614.7400
Facsimile: 650.614.7401

Attorneys for Defendants
INTEL CORPORATION, NUMONYX, INC.,
NUMONYX B.V., SONY ERICSSON
MOBILE COMMUNICATIONS AB and
SONY ERICSSON MOBILE
COMMUNICATIONS (USA), INC. and
APPLE, INC.